



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE COMMITTEE
ON
LAW AND JUSTICE

Tuesday, November 27, 2018

9:00 a.m.

Room 327 House Office Building

The House Standing Committee on Law and Justice was called to order by Chairman Kesto.

Members present: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Members absent/excused: Rep. Robinson.

Representative Lucido moved to adopt the minutes of October 2, 2018. There being no objection, the motion prevailed by unanimous consent.

Representative Lucido moved to excuse absent members. There being no objection, the motion prevailed by unanimous consent.

Chairman Kesto laid the following bill before the committee:

HB 5625 (Durhal)	Mental health; other; use of mediation as a first step in dispute resolution; allow.
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Representative Durhal testified in support of the bill.

Mark Reinstein, representing the Mental Health Association, testified in support of the bill and submitted written testimony.

David Gruber, representing Roundtable Strategies, testified in support of the bill and submitted written testimony.

The following people submitted a card in support of the bill, but did not wish to speak:

Mark McWilliams, representing the Michigan Protection & Advocacy Service.

Sherri Boyd, representing The Arc Michigan.

Chardaé Burton, representing the Michigan Department of Health and Human Services.
The Michigan Psychiatric Society.

Chairman Kesto laid the following bill before the committee:

HB 6397 (Bizon) Legislature; legislative agencies; the legislative corrections ombudsman; exempt certain information from certain disclosure and clarify investigation procedures.

Representative Bizon and Keith Barber, Legislative Corrections Ombudsman, explained the proposed substitute to the bill. Questions and discussion followed.

Mark McWilliams, representing the Michigan Protection & Advocacy Service, submitted a card in support of the bill, but did not wish to speak.

Representative Lucido moved to adopt substitute (H-1) to HB 6397. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Lucido moved to report out HB 6397, with recommendation, as substitute (H-1). The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Chairman Kesto returned to HB 5625.

Representative Chang moved to report out HB 5625 with recommendation. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Chairman Kesto laid the following bills before the committee:

HB 6253 (Kesto) Crimes; embezzlement; crimes involving embezzlement; include cryptocurrency in definitions in embezzlement section in penal code.

HB 6254 (Farrington)	Crimes; definitions; definition of cryptocurrency in money laundering definition section of penal code; provide for.
HB 6255 (Marino)	Crimes; animals; crimes involving dog fighting; include other thing of value in prohibition on profiting from dog fights.
HB 6256 (LaFave)	Crimes; organized; crimes involving racketeering; include money, property, or any other thing of value in description of financial gain from racketeering.
HB 6257 (VanderWall)	Crimes; forgery; crimes involving forgery and counterfeiting; include altering a record by use of distributed ledger technology.
HB 6258 (Guerra)	Crimes; credit cards; crimes involving credit cards; include cryptocurrency and distributed ledger technology in definition section of credit chapter in penal code.

Representative Lucido moved to report out HB 6253 with recommendation. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Guerra moved to report out HB 6254 with recommendation. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Lucido moved to report out HB 6255 with recommendation. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Chang moved to report out HB 6256 with recommendation. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Chang moved to report out HB 6257 with recommendation. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Guerra moved to report out HB 6258 with recommendation. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Chairman Kesto laid the following bill before the committee:

HB 5718 (Lilly)	Law enforcement; other; disposition of certain stolen or abandoned property; provide for by donation in certain circumstances.
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Brad Wever, from Representative Lilly's office, testified in support of the bill. Questions and discussion followed.

Megan Noland, representing the Oakland County Sheriff, submitted a card in support of the bill, but did not wish to speak.

Chairman Kesto laid the committee at ease, the time being 9:43 a.m.

Chairman Kesto called the committee back to order, the time being 9:44 a.m.

Representative Lucido moved to adopt substitute (H-1) to HB 5718. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Chang moved to report out HB 5718 with recommendation, as substitute (H-1). The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Chairman Kesto laid the following bills before the committee:

HB 4607	(Lucido)	Juveniles; criminal procedure; age of juvenile court jurisdiction and location of juvenile detention in some instances; modify.
HB 4653	(Kosowski)	Mental health; other; age of juvenile in disposition of persons found not guilty by reason of insanity; modify.
HB 4659	(Santana)	Criminal procedure; youthful trainees; age eligibility for youthful trainee status; raise to 18 years.
HB 4662	(Pagel)	Juveniles; criminal procedure; age of juvenile court jurisdiction in juvenile diversion act; modify.
HB 4664	(Afendoulis)	Juveniles; criminal procedure; definition of adult in Michigan indigent defense commission act; modify.
HB 4675	(Guerra)	Juveniles; criminal procedure; factors to consider when determining jurisdiction over juveniles in certain circumstances; modify.
HB 4676	(Garrett)	Juveniles; criminal procedure; age of juvenile jurisdiction in youth rehabilitation services act; modify.
HB 4677	(Chang)	Corrections; other; family advisory board; establish.
HB 4678	(Howrylak)	State agencies (existing); corrections; permissible purposes for closing open meeting to include discussion of certain information by family advisory board; establish.
HB 4685	(Webber)	Criminal procedure; sentencing; procedures for sentencing juveniles prosecuted for personal protection order violation; revise code of criminal procedure to revise age limit.

HB 4696	(Singh)	Criminal procedure; other; reporting the number of juveniles under the age of 18 tried for felony or misdemeanors as adults; require.
HB 4741	(Howrylak)	Corrections; jails; time confined in cells for incarcerated individuals under 21 years of age; develop policies to limit.
HB 4744	(Noble)	Juveniles; other; detention of juveniles in certain circumstances; modify.
HB 4753	(Runestad)	Juveniles; criminal procedure; specified juvenile violation definition; modify in probate code of 1939.
HB 4789	(Love)	Human services; county services; county child care fund reimbursement rate; increase.
HB 4793	(Jones)	Criminal procedure; sentencing; juveniles who may be sentenced in the same manner as an adult; revise criteria.
HB 4850	(Howrylak)	Juveniles; criminal procedure; juveniles under age 18 arrested for nonlisted offenses; provide for jurisdiction in the family division of circuit court.
HB 4969	(Brann)	Juveniles; criminal procedure; prejudication confinement of juveniles under 18 years of age in jail; preclude.
HB 5637	(Durhal)	Corrections; other; placement of youth under 18 with adults during confinement, trial, or transport; prohibit.
HB 6396	(Howrylak)	Juveniles; juvenile justice services; county juvenile justice services reimbursements; modify.

Judith A. Suess, representing the Lansing Church of the Brethren, testified and submitted a petition in support of HB 4607, HB 4653, HB 4659, HB 4662, HB 4664, HB 4676, HB 4685, and HB 6396.

The following people submitted a card in support of the bills, but did not wish to speak:

John Shea, representing the Criminal Defense Attorneys of Michigan.

Tom Hickson, representing the Michigan Catholic Conference.

Mark McWilliams, representing the Michigan Protections & Advocacy Service.

Bobby Dorigo Jones, representing Michigan's Children.

John S. Cooper, representing Safe and Just Michigan.

Jason Smith, representing the Michigan Council on Crime and Delinquency.

Alicia Guerara Warren, representing the Michigan League for Public Policy, submitted a card in support of HB 6396, but did not wish to speak.

Chairman Kesto laid the committee at ease, the time being 9:51 a.m.

Chairman Kesto called the committee back to order, the time being 9:54 a.m.

Representative Lucido moved to adopt substitute (H-1) to HB 4607. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Chang moved to adopt substitute (H-1) to HB 4653. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Guerra moved to adopt substitute (H-1) to HB 4659. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Graves moved to adopt substitute (H-1) to HB 4662. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Howrylak moved to adopt substitute (H-2) to HB 4664. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Guerra moved to adopt substitute (H-1) to HB 4675. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Liberati moved to adopt substitute (H-1) to HB 4676. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Roberts moved to adopt substitute (H-1) to HB 4685. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Wittenberg moved to adopt substitute (H-1) to HB 4696. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Howrylak moved to adopt substitute (H-1) to HB 4741. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Howrylak moved to adopt substitute (H-2) to HB 4744. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Lucido moved to adopt substitute (H-3) to HB 4753. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Chang moved to adopt substitute (H-4) to HB 4789. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Guerra moved to adopt substitute (H-1) to HB 4793. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Howrylak moved to adopt substitute (H-1) to HB 4850. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Albert moved to adopt substitute (H-1) to HB 4969. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Liberati moved to adopt substitute (H-1) to HB 5637. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Representative Howrylak moved to adopt substitute (H-1) to HB 6396. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: None.

Discussion was held between the committee members.

There being no further business before the committee, Chairman Kesto adjourned the meeting, the time being 10:20 a.m.

Representative Klint Kesto, Chair_____

Melissa Weipert, Committee Clerk
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